

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DE JUAN HODGES-LAMAR,

Plaintiffs,

CIVIL ACTION NO. 11-CV-12820

VS.

DISTRICT JUDGE MARIANNE O. BATTANI

OFFICER NEVIN HUGHES,  
individually and in his official capacity,  
OFFICER SEAN HARRIS, individually  
and in his official capacity, OFFICER  
WILLIAM LITTLE, individually  
and in his official capacity,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

/

**ORDER GRANTING IN PART PLAINTIFF'S MOTION TO COMPEL ANSWERS TO  
PLAINTIFF'S FIRST SET OF WRITTEN DISCOVERY (DOCKET NO. 17)**

This matter comes before the Court on Plaintiff's Motion to Compel Answers to Plaintiff's First Set of Written Discovery. (Docket no. 17). Defendant Hughes filed a response. (Docket no. 20). Plaintiff filed a "Joint Statement" of Resolved and Unresolved Issues without the consent of counsel for Defendant Hughes. (Docket no. 29). The motion has been referred to the undersigned for determination pursuant to 28 U.S.C. § 636(b)(1)(A). (Docket no. 18). The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(f). The Court is ready to rule on the motion.

Plaintiff served Defendant Hughes with Plaintiff's Requests to Admit, Interrogatories, and Requests to Produce on August 29, 2011. Defendant Hughes served responses and objections to Plaintiff on September 8, 2011. Plaintiff now moves for an order compelling Defendant Hughes to provide full and complete responses to Interrogatory nos. 2, 5, 6, 7, 8, Requests to Admit nos. 5 and 6, and Request to Produce no. 4.

Interrogatory nos. 2, 5, 6, and 8 ask Defendant Hughes to disclose information concerning prior convictions, lawsuits, disciplinary actions, complaints, and insurance settlements for any claim alleging that Defendant Hughes abused his lawful authority. Defendant Hughes objected on relevancy grounds. The Court finds that the information requested in Interrogatory nos. 2, 5, 6, and 8 is relevant and discoverable. Plaintiff's motion will be granted as to these requests.

Plaintiff did not include a verbatim recitation of Interrogatory no. 7 in his motion as required by E.D. Mich. LR 37.2. Therefore, because the Court is unable to ascertain the content of Interrogatory no. 7, Plaintiff's motion to compel a response will be denied.

Requests to Admit nos. 5 and 6 ask Defendant Hughes to admit that he has been sued at least eight times for alleged civil rights violations and admit that the City of Detroit has paid more than \$677,000 to settle complaints filed against him. Defendant Hughes responded by stating that he could neither admit nor deny the requests based on lack of knowledge readily available to him. In his response to this motion, Defendant Hughes states that City employees who are approved for representation and indemnification by the Detroit City Council do not make settlement decisions, are often not notified when a case settles, and as a general rule are not advised of specific legal claims brought against them. The Court is satisfied with Defendant Hughes' responses to Requests to Admit nos. 5 and 6 and will deny Plaintiff's motion to compel as to these requests.

Request for Production no. 4 asks Defendant Hughes to produce his entire personnel file along with the personnel files of Defendants Harris and Little. Defendant Hughes objected to the request on relevancy grounds. The Court finds that Defendants' personnel files are relevant. The Court will grant Plaintiff's motion to compel production of the personnel files of Defendant Hughes, Harris, and Little insofar as the files are within the possession, custody, or control of Defendant

Hughes.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion to Compel Answers to Plaintiff's First Set of Written Discovery (docket no. 17) is **GRANTED IN PART**. On or before May 14, 2012 Defendant Hughes must serve Plaintiff with full and complete responses to Interrogatory nos. 2, 5, 6, 8 and Request for Production no. 4. Plaintiff's motion is denied as to Interrogatory no. 7 and Requests to Admit nos. 5 and 6.

**IT IS FURTHER ORDERED** that Plaintiff's request for costs and attorney fees associated with filing this motion is denied.

#### **NOTICE TO THE PARTIES**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: April 30, 2012

s/ Mona K. Majzoub  
MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE

#### **PROOF OF SERVICE**

I hereby certify that a copy of this Order was served upon Counsel of Record on this date.

Dated: April 30, 2012

s/ Lisa C. Bartlett  
Case Manager